

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

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AUTHORITY: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

SOURCE: 50 FR 13474, Apr. 4, 1985, unless otherwise noted.

§ 302.1 Applicability.

This regulation designates under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act") those substances in the statutes referred to in section 101(14) of the Act, identifies reportable quantities for these substances, and sets forth the notification requirements for releases of these substances. This regulation also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act.

§ 302.2 Abbreviations.

CASRN = Chemical Abstracts Service Registry Number
 RCRA = Resource Conservation and Recovery Act of 1976, as amended
 lb = pound
 kg = kilogram
 RQ = reportable quantity

§ 302.3 Definitions.

As used in this part, all terms shall have the meaning set forth below:

The Act, CERCLA, or Superfund means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Pub. L. 96-510);

Administrator means the Administrator of the United States Environmental Protection Agency ("EPA");

Consumer product shall have the meaning stated in 15 U.S.C. 2052;

Environment means (1) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under

the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

Facility means (1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

Hazardous substance means any substance designated pursuant to 40 CFR Part 302;

Hazardous waste shall have the meaning provided in 40 CFR 261.3;

Navigable waters or navigable waters of the United States means waters of the United States, including the territorial seas;

Offshore facility means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

Onshore facility means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or non-navigable waters within the United States;

Person means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (1) any release which results in exposure to persons solely within a workplace, with

respect to a claim which such persons may assert against the employer of such persons, (2) emissions from the engine exhaust of a motor vehicle rolling stock, aircraft, vessel, or pipeline pumping station engine, (3) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or for the purposes of section 10 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, and release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailing Radiation Control Act of 1978, and (4) the normal application of fertilizer;

Reportable quantity means the quantity, as set forth in this part, the release of which requires notification pursuant to this part;

United States include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction; and

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.



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Block:	178
Other:	NID

the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

Facility means (1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel; **Hazardous substance** means any substance designated pursuant to 40 CFR Part 302;

Hazardous waste shall have the meaning provided in 40 CFR 261.3;

Navigable waters or navigable waters of the United States means waters of the United States, including the territorial seas;

Offshore facility means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel; **Onshore facility** means any facility including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or non-navigable waters within the United States;

Person means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

Release means any spilling, leaking, dumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (1) any release which results in exposure to persons solely within a workplace, with

respect to a claim which such persons may assert against the employer of such persons, (2) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (3) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or for the purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (4) the normal application of fertilizer;

Reportable quantity means that quantity, as set forth in this part, the release of which requires notification pursuant to this part;

United States include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction; and

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 302.4 Designation of hazardous substances.

(a) **Listed hazardous substances.** The elements and compounds and hazardous wastes appearing in Table 302.4 are designated as hazardous substances under section 102(a) of the Act.

(b) **Unlisted hazardous substances.** A solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the Act if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

NOTE: The numbers under the column headed "CASRN" are the Chemical Abstracts Service Registry Numbers for each hazardous substance. Other names by which each hazardous substance is identified in other statutes and their implementing regulations are provided in the "Regulatory Synonyms" column. The "Statutory RQ" column lists the RQs for hazardous substances established by section 102 of CERCLA. The "Statutory Code" column indicates the statutory source for designating each substance as a CERCLA hazardous substance: "1" indicates that the statutory source is section 311(b)(4) of the Clean Water Act, "2" indicates that the source is section 307(a) of the Clean Water Act, "3" indicates that the source is section 112 of the Clean Air Act, and "4" indicates that the source is RCRA section 3001. The "RCRA Waste Number" column provides the waste identification numbers assigned to various substances by RCRA regulations. The column headed "Category" lists the code letters "X," "A," "B," "C," and "D," which are associated with reportable quantities of 1, 10, 100, 1000, and 5000 pounds, respectively. The "Pounds (kg)" column provides the reportable quantity adjustment for each hazardous substance in pounds and kilograms.

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

(Note: All Comments/Notes Are Located at the End of This Table)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code †	RCRA Waste Number	Category	Pounds (Kg)
Aroclor 1242	53469219	POLYCHLORINATED BIPHENYLS (PCBs)	10	1,2		X	1 (0.454)
Aroclor 1248	12672296	POLYCHLORINATED BIPHENYLS (PCBs)	10	1,2		X	1 (0.454)
Aroclor 1254	11097691	POLYCHLORINATED BIPHENYLS (PCBs)	10	1,2		X	1 (0.454)
Aroclor 1260	11096825	POLYCHLORINATED BIPHENYLS (PCBs)	10	1,2		X	1 (0.454)
Arsenic ††	7440382		1*	2,3		X	1 (0.454)
Arsenic acid	1327522	Arsenic acid H ₃ AsO ₄	1*	4	P010	X	1 (0.454)
	7778394						
Arsenic acid H ₃ AsO ₄	1327522	Arsenic acid	1*	4	P010	X	1 (0.454)
	7778394						
ARSENIC AND COMPOUNDS	N.A.						
Arsenic disulfide	1303328		5000	1		X	1 (0.454)
Arsenic oxide As ₂ O ₃	1327533	Arsenic trioxide	5000	1,4	P012	X	1 (0.454)
Arsenic oxide As ₂ O ₅	1303282	Arsenic pentoxide	5000	1,4	P011	X	1 (0.454)
Arsenic pentoxide	1303282	Arsenic oxide As ₂ O ₅	5000	1,4	P011	X	1 (0.454)
Arsenic trichloride	7784341		5000	1		X	1 (0.454)
Arsenic trioxide	1327533	Arsenic oxide As ₂ O ₃	5000	1,4	P012	X	1 (0.454)
Arsenic trisulfide	1303339		5000	1		X	1 (0.454)
Arsine, diethyl-	692422	Diethylarsine	1*	4	P038	X	1 (0.454)
Arsinic acid, dimethyl-	75605	Cacodylic acid	1*	4	U136	X	1 (0.454)
Arsinous dichloride, phenyl-	696266	Dichlorophenylarsine	1*	4	P036	X	1 (0.454)
Asbestos T1	1332214		1*	4		X	1 (0.454)
Auramine	492808	Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	1*	4	U014	B	100 (45.4)
Azaserine	115026	L-Serine, diazoacetate (ester)	1*	4	U015	X	1 (0.454)
Azirdine	151564	Ethylenimine	1*	4	P054	X	1 (0.454)
Azirdine, 2-methyl-	75558	1,2-Propylenimine	1*	4	P067	X	1 (0.454)
Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione,6-amino-8-[[[aminocarbonyloxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]]-	50077	Mitomycin C	1*	4	U010	A	10 (4.54)
Barium cyanide	542621		10	1,4	P013	A	10 (4.54)
Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56495	3-Methylcholanthrene	1*	4	U157	A	10 (4.54)
Benz[c]acridine	225514		1*	4	U016	B	100 (45.4)
Benzal chloride	98873	Benzene, dichloromethyl-	1*	4	U017	D	5000 (2270)
Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950585	Pronamide	1*	4	U192	D	5000 (2270)
Benz[a]anthracene	56553	Benzo[a]anthracene	1*	2,4	U018	A	10 (4.54)
		1,2-Benzanthracene					
1,2-Benzanthracene	56553	Benzo[a]anthracene	1*	2,4	U018	A	10 (4.54)
		Benzo[a]anthracene					
Benz[a]anthracene, 7,12-dimethyl-	57976	7,12-Dimethylbenzo[a]anthracene	1*	4	U094	X	1 (0.454)
Benzenamine	62533	Aniline	1000	1,4	U012	D	5000 (2270)

Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	492808	Auramine	1*	4	U014	B	100 (45.4)
Benzenamine, 4-chloro-	106478	p-Chloroaniline	1*	4	P024	C	1000 (454)
Benzenamine, 4-chloro-2-methyl-, hydrochloride	3165933	4-Chloro-o-toluidine, hydrochloride	1*	4	U049	B	100 (45.4)
Benzenamine, N,N-dimethyl-4-(phenylazo)-	60117	p-Dimethylaminoazobenzene	1*	4	U093	A	10 (4.54)
Benzenamine, 2-methyl-	95534	o-Toluidine	1*	4	U328	B	100 (45.4)
Benzenamine, 4-methyl-	106490	p-Toluidine	1*	4	U353	B	100 (45.4)
Benzenamine, 4,4'-methylenebis(2-chloro-	101144	4,4'-Methylenebis(2-chloroaniline)	1*	4	U158	A	10 (4.54)
Benzenamine, 2-methyl-, hydrochloride	636215	o-Toluidine hydrochloride	1*	4	U222	B	100 (45.4)
Benzenamine, 2-methyl-5-nitro-	99558	5-Nitro-o-toluidine	1*	4	U181	B	100 (45.4)
Benzenamine, 4-nitro-	100016	p-Nitroaniline	1*	4	P077	D	5000 (2270)
Benzene	71432		1000	1,2,3,4	U109	A	10 (4.54)
Benzeneacetic acid, 4-chloro-alpha-(4-chloro-phenyl)-alpha-hydroxy-, ethyl ester	510156	Chlorobenzoate	1*	4	U038	A	10 (4.54)
Benzene, 1-bromo-4-phenoxy-	101553	4-Bromophenyl phenyl ether	1*	2,4	U030	B	100 (45.4)
Benzenobutanoic acid, 4-[bis(2-chloroethyl)amino]-	305033	Chlorambucil	1*	4	U035	A	10 (4.54)
Benzene, chloro-	108907	Chlorobenzene	100	1,2,4	U037	B	100 (45.4)
Benzene, chloromethyl-	100447	Benzyl chloride	100	1,4	P028	B	100 (45.4)
Benzenediamin, ar-methyl-	95807	Toluenediamine	1*	4	U221	A	10 (4.54)
	496720						
	823405						
1,2-Benzenedicarboxylic acid, dioctyl ester	117840	Di-n-octyl phthalate	1*	2,4	U107	D	5000 (2270)
1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)-ester]	117817	Bis (2-ethylhexyl)phthalate	1*	2,4	U028	B	100 (45.4)
		Diethylhexyl phthalate					
1,2-Benzenedicarboxylic acid, dibutyl ester	84742	Di-n-butyl phthalate	100	1,2,4	U069	A	10 (4.54)
		Dibutyl phthalate					

† Indicates the statutory source as defined by 1, 2, 3, and 4 below.

§ 302.4

No reporting of releases of this hazardous substance is required if the diameter of the release is less than _____.

The RQ for asbestos is limited to friable forms only.

indicates that the statutory source for designation of this hazardous substance under CERCLA is OWA Section 311(b)(4);

indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA Section 307(e);

indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA Section 112;

indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001;

indicates that the 1-pound RQ is a CERCLA standard RQ.

indicates that the RQ is subject to change upon the assessment of potential carcinogenicity is completed.

The Agency may adjust the statutory RQ for this hazardous substance in a future rulemaking; until then the statutory RQ applies.

The Agency may adjust the RQ for radionuclides as found in Appendix B to this table.

The adjusted RQs for radionuclides may be found in Appendix B to this table.

The Agency may deem the generic or broad class.

This seems to cause a lot of confusion. Asbestos is a "listed hazardous" under CERCLA. Liability pertains only to the RCRA. For Asbestos, whether friable or not, Asbestos is still a hazardous substance.